
Local Government Committee

HB 2347

Brief Description: Concerning bond requirements for county clerks.

Sponsors: Representatives Duerr, Pollet, Senn and Goehner.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Removes the ability of superior court judges to order an increase in a county clerk's bond.

Hearing Date: 1/21/20

Staff: Kellen Wright (786-7134).

Background:

Every county official is required to post a bond prior to assuming office. Bonds are paid for the political subdivision or public body that the officer serves. The county clerk's bond is set at twice the amount of money liable to come into the clerk's hands as approved by a majority of the superior court judges in the county, or the amount of bond statutorily required of the county treasurer, whichever amount is lower. A county treasurer's bond can range from \$100,000 to \$250,000, depending on the population of the county.

The initial bond is required prior to entering office. It can be increased after the officer takes office. For county clerks, there are two ways the bond amount can be increased. First, a majority of the judges of the superior court can order the clerk to obtain an additional bond, if they believe that the clerk's current bond is insufficient. If the clerk fails to post the additional bond within 10 days of the deadline, then the clerk's office is declared vacant. In the recent case of *Riddle v. Elofson*, the Washington Supreme Court upheld the ability of superior court judges to order the bond increased over the amount initially required prior to assuming office.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Second, a clerk's initial bond amount can be increased by the action of the board of county commissioners. The commissioners can, if the initial bond is insufficient, summon the clerk to show cause why the bond should not be increased.

Summary of Bill:

Superior court judges may not order a county clerk's bond to be increased.

Appropriation: None.

Fiscal Note: Requested on January 14, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.